

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Floyd Thurman,

Plaintiff,

v.

Case No. 3:23-cv-314

District Judge Thomas M. Rose

Magistrate Judge Caroline H. Gentry

Allstate Insurance Company, et al.,

Defendants.

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (DOC. 11),
AND REMANDING TO THE COURT OF COMMON PLEAS,
MONTGOMERY COUNTY, OHIO.**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge. (Doc. 11.) On November 7, 2023, Magistrate Judge Caroline H. Gentry issued an order to show cause, questioning whether diversity jurisdiction was present. (Doc. 7.) Defendant responded on November 21, 2023. (Doc. 10.) On December 14, 2023, the Magistrate Judge issued the Report and Recommendation, (doc. 11), concluding that diversity jurisdiction was not present and informing the parties that objections were due by December 28, 2023. (Id.) No objections have been filed.

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the findings of the Magistrate Judge. Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this case. Upon consideration of the foregoing, the Court **ADOPTS** the Report and Recommendations (Doc. 11) in its entirety. The instant case is **REMANDED** to the Court of Common Pleas, Montgomery County, Ohio.

DONE and **ORDERED** this Thursday, January 04, 2024.

s/**THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE